

REMARKS

Claim 33 has been canceled. Claims 1-32 and 34-35 are pending in the application.

Applicant acknowledges with appreciation the Examiner's allowance of claims 34-35, and the finding that claims 6-7, 10-15, 17-18, 21-25, and 29 contain allowable subject matter. Applicant respectfully submits that claim 1, from which claims 6-7, 10-15, 17-18, 21-25, and 29 depend, is patentable over the references cited against it, as demonstrated below. Accordingly, Applicant respectfully requests that the Examiner allow claims 6-7, 10-15, 17-18, 21-25, and 29.

Claims 1-2, 4-5, 8, 16, 19, 26-28, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of U.S. Patent Application Publication No. 2002/0080719 to Parkvall et al.; claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Parkvall et al., and further in view of U.S. Patent Application Publication No. 2002/0094778 to Cannon et al.; claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Parkvall et al., and further in view of U.S. Patent Application Publication No. 2003/0166406 to Zhang et al.; claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Parkvall et al., and further in view of U.S. Patent No. 7,403,892 to Sjoberg et al.; and claims 30 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Parkvall et al., and further in view of U.S. Patent Application Publication No. 2003/0103514 to Nam et al. Applicant respectfully traverses the rejections.

The Examiner cited Parkvall et al. as a combining reference that allegedly suggests the claimed uplink transmission scheduling features, which the Examiner conceded were absent from the disclosures of AAPA. Page 3, line 2 et seq. of the Office Action.

Parkvall et al., as cited and relied upon by the Examiner, still only describe, however, scheduling between two particular apparatuses—scheduling transmissions in one direction

based on channel quality in the other direction between these apparatuses. Indeed, paragraph [0025] of Parkvall et al. cited by the Examiner only includes description of such scheduling between two particular devices as follows:

“Returning to the preferred, example (and nonlimiting) embodiment, the base station includes a first detector that determines a signal quality of an uplink channel from *the* wireless user equipment to the base station. A data packet scheduler in the base station schedules transmission of data packets over a downlink channel from the base station to *the* wireless user equipment taking into account the determined quality of the uplink channel, along with any other scheduling criteria. The base station may also include a second detector that determines a signal quality of the downlink channel. The scheduler then may schedule transmission of data packets over the downlink channel based on the determined signal quality of both the uplink and downlink radio channels.” (Emphasis added)

As highlighted above, the scheduling described in Parkvall et al. only involves the two directions of transmission between a base station and the *same* wireless user equipment—scheduling downlink channel to a particular wireless user equipment based on uplink channel quality from that particular wireless user equipment. Thus, Parvall et al., as cited and relied upon by the Examiner—and correspondingly, the proposed combination of references—fail to suggest the claimed features in connection with “scheduling uplink transmissions from the *source* user equipments to the base station in dependence on the measure of the downlink quality of service (from the base station to a *destination* user equipment).”

In other words, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine AAPA and Parkvall et al. at the time the claimed invention was made, such a combination would still have failed to disclose or suggest,

“[a] method of transmitting data packets in an uplink from a plurality of source user equipments to a base station, the

data packets being for onward transmission to a plurality of destination user equipments, the method comprising:
determining a measure of a downlink quality of service from the base station to a destination user equipment; and
scheduling uplink transmissions from the source user equipments to the base station in dependence on the measure of the downlink quality of service,” as recited in claim 1.
(Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2, 4-5, 8, 16, 19, and 26-28 dependent therefrom, is patentable over AAPA and Parkvall et al., separately and in combination, for at least the foregoing reasons. Claim 31 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over the cited references for at least the same reasons.

The Examiner cited Cannon et al., Zhang et al., Sjoberg et al., and Nam et al. as further combining references to specifically address the respective additional features recited in claims 3, 9, and 20, which depend from claim 1, and claims 30 and 32, which also incorporate features that correspond to those of claim 1 cited above. As such, further combinations with Cannon et al., Zhang et al., Sjoberg et al., and Nam et al. would still have failed to cure the above-described deficiencies of AAPA and Parkvall et al., even assuming, arguendo, that such further combinations would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 3, 9, 20, 30, and 32 are patentable over the cited references for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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